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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

BRYAN WESLEY ANDERSON,

Defendant.

2:24-cr-0052-GMN-DJA

**Stipulation and Order to Continue
Hearing and Future Dates**

(Third Request)

The parties, by and through the undersigned, respectfully request that the Court vacate any currently set dates and continue the hearing regarding change of plea to a date and time convenient to this Court but no sooner than 90 days. In support of this request, the parties state the following:

1. On April 16, 2024, the Court granted a stipulation continuing the future hearing dates for Defendant Bryan Anderson. ECF No. 3.
2. An entry of plea date was set for July 17, 2024, at 10:00 a.m. *Id.*
3. On May 31, 2024, Jess Marchese was appointed to represent Defendant. ECF

1 No. 6.

2 4. Defendant Anderson is also charged in case 2:23-cr-0212-GMN-NJK.
3 Pursuant to Rule 20 of the Federal Rules of Criminal Procedure, the instant case, 2:24-cr-
4 0052-GMN-DJA was transferred to the District of Nevada in contemplation of resolution
5 alongside case 2:23-cr-0212.

6 5. On August 10, 2024, Defendant Anderson filed a motion to suppress in case
7 2:23-cr-0212.

8 6. On September 19, 2024, Defendant Anderson filed a Notice of Attorney
9 Appearance in case 2:23-cr-0212, indicating that he had hired new counsel in that case. The
10 Court filed an order granting that notice the following day.

11 7. In subsequent discussions, the parties discussed whether the instant case,
12 2:24-cr-0052 would be returned to the originating district. Because of the recent substitution
13 of counsel in 2:23-cr-0212, no actions were taken until counsel could review the discovery
14 and discuss the options with Defendant Anderson.

15 8. On September 24, 2024, the parties submitted an order continuing the hearing
16 on the motion to suppress, and that hearing was rescheduled to December 9, 2024.

17 9. Additional time is needed for counsel in 2:23-cr-0212 to review discovery,
18 confer with Defendant Anderson, and determine whether to resolve the cases.

19 10. If the cases are not resolved, then the instant case, 2:24-cr-0052 will be
20 returned to the originating district.

21 11. Denial of this request could result in a miscarriage of justice. This
22 continuance will allow counsel for Defendant to continue investigation, review of discovery,
23 development of defense strategies, and discussion of resolutions. The additional time
24

requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161 (h)(7) and (h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and (vi).

Respectfully submitted this 23rd day of October, 2024.

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/s/ Jess Marchese
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

BRYAN WAYNE ANDERSON,

Defendant.

2:24-cr-0052-GMN-DJA

**Order Approving Stipulation to
Continue Hearing and Future Dates**

(Third Request)

Based on the pending stipulation of the parties, and upon the Court's finding of good cause, IT IS HEREBY ORDERED:

FINDINGS OF FACT

1. The parties agree to the continuance.
2. The additional time is needed to determine whether the instant case will remain in the District of Nevada.
3. The additional time requested herein is not sought for purposes of delay, but to facilitate defendant's arraignment on a related case, review of discovery, and ongoing discussions between counsel.

1 4. Additionally, denial of this request for a continuance could result in a miscarriage
2 of justice. The requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
4 U.S.C. §§ 3161 (h)(7), and 3161(h)(7)(A), considering the factors under 18 U.S.C.
5 §§ 3161(h)(7)(B)(i) and (vi).

6 **CONCLUSIONS OF LAW**

7 The ends of justice served by granting said continuance outweigh the best interests of
8 the public and the defendant, since the failure to grant said continuance would be likely to
9 result in a miscarriage of justice, would deny the parties herein sufficient opportunity to
10 potentially resolve the cases prior to trial, and further would deny the parties sufficient time
11 and the opportunity within which to be able to effectively and thoroughly prepare for the trial,
12 taking into account the exercise of due diligence.

13 The time from the continuance sought herein is excludable under the Speedy Trial
14 Act, 18 U.S.C. §§ 3161(h)(7), and 3161(h)(7)(A), when considering the factors under 18
15 U.S.C. §§ 3161(h)(7)(B)(i) and (iv).

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ORDER

Change of Plea hearing

IT IS HEREBY ORDERED that the ~~currently unscheduled hearing and any future dates,~~
be vacated and continued to January 21, 2025 at the hour of 10:00 a.m

DATED this 23 day of October, 2024.



HONORABLE GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE